



FIRST MEETING - WASHINGTON, D. C. - APRIL 2, 1951

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FIRST EXECUTIVE SESSION

TIME: Tuesday, April 3, 1951, 10:00 a.m.
PLACE: Louis Seize Room, Shoreham Hotel
CHAIRMAN: Dr. Hilary J. Deason (U.S.A.)

THE CHAIRMAN (DR. DEASON): We will now begin our executive session, but before doing so I hope that I may be permitted to make a personal observation which will express not only my views, but also the views of the other Commissioners present.

We recall very pleasantly the genuine interest of the eleven countries, two of them since become one, who negotiated and signed the International Convention for the Northwest Atlantic Fisheries a little more than two years ago. The Convention expresses the unanimity of resolution of the signatory countries in the purposes and objectives of the Convention as they are set forth in the instrument itself. We realize that legal and procedural technicalities wholly apart from the Convention itself undoubtedly have to wait formal ratification by the five countries represented at this meeting by observer delegations. We know that their interest in the Northwest Atlantic Fisheries remains as firm as ever. We appreciate and welcome heartily the participation by the observers. We hope that during the consideration of the various items on the agenda these observers will participate fully in the discussions.

We desire that participation by the observers. We hope that their participation will result in a full understanding of their views, so that when a vote is taken on any matter before the Commission, the outcome of that vote may be as if the observer countries themselves had been privileged to vote. In other words, at this meeting we all wish the observers to play the most active role permitted by the present circumstances.

At the Plenary Session yesterday afternoon, a motion was adopted for provisional adoption of the agenda without prejudice to the right of any government later to make observations or to suggest amendments of the agenda. I believe this morning we should turn to the agenda itself and give the various delegations an opportunity to express any opinions or to make any observations they have concerning the agenda, and then we should proceed to a motion for definitive adoption of the agenda.

If you will, turn now to Document 1. At yesterday's session we completed Items 1 to 9 and 11 to 13. With respect to Item 10, we adopted, provisionally only, Rule 7 of the Rules of Procedure. May I ask at this juncture whether any of the Commissioners have any observations to make concerning the items on the agenda?

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MR. DOBSON (UNITED KINGDOM): Mr. Chairman, may I just ask one question for information? I see we have adopted, provisionally, as you say, Rule 7 of the Rules of Procedure, and then under Item 17 we are going to have a final adoption of the Rules of Procedure. Is there any proposal that the Rules of Procedure which have been circulated should go to any committee in the first instance?

I ask that for this reason. I don't want to raise any needling points. As you know, I have always tried to be helpful. But it did occur to me in looking at these documents on the way over, that it might save at least one extra document if we tried to adopt one Rules of Procedure, not only for the Commission, but mutatis mutandis for the panels. It seemed to me, at first blush, that was quite a simple thing, but if it is going to be done we have got to look rather carefully to see whether we have made a mistake and whether the words "mutatis mutandis" would be sufficient.

Therefore, I would hesitate to put that forward if I felt that the Rules of Procedure were going to be dealt with at this table, unless we went into it in some detail.

You see my point, Mr. Chairman?

THE CHAIRMAN (DR. DEASON): I do. I appreciate your point, Mr. Dobson. For an explanation of the reasoning behind the submission among the preliminary papers of draft rules of procedure for the Commission as a body in Document 2, and draft rules of procedure for panels as embodied in Document 4, I will call on the United States delegation.

MR. KNOLLENBERG (UNITED STATES): I think it would be better, since Mr. Castleman has worked on these, for him to explain that, rather than do it myself. Do you mind doing it, Mr. Castleman?

MR. CASTLEMAN (UNITED STATES): In submitting the two documents as a draft, we, of course, did not indicate any final United States position on the question of form of the Rules of Procedure. However, we felt that in the spirit of the language of the Convention, which states that the panels may develop their own Rules of Procedure, it would be preferable, for preliminary consideration, to have separate drafts of rules for the Commission and for the panels.

THE CHAIRMAN (DR. DEASON): Thank you very much, Mr. Castleman. In other words, under the language of the Convention, it seems to me we can deal with the Rules of Procedure in three different ways. We could, at the one extreme, have Rules of Procedure for the Commission and entirely different Rules of Procedure for each of the five panels. At the other extreme, we could have one set of Rules of Procedure for the Commission and the panels; and, as a medium point, we could have Rules of Procedure for the Commission and a single set of Rules of Procedure applicable to all the panels. So there is that latitude within which we are privileged to work.

Does the Canadian delegation wish to make any observation?

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DR. BATES (CANADA): Would Mr. Castleman like to expand a little further on the differences between the Rules for the Commission on the one side and for the panels on the other? Would you like to spell it out a little more clearly?

MR. CASTLEMAN (UNITED STATES): Well, I think that might be gone into, Dr. Bates, in the consideration of definitive adoption of Rules for the Commission in conjunction with Mr. Dobson's proposal, perhaps.

DR. BATES (CANADA): Are there any differences of principle? That is the question.

MR. CASTLEMAN (UNITED STATES): There are no differences of principle. No, as I mentioned, prepared separate drafts merely in the spirit of the language which permits the panels to adopt separate Rules of Procedure if they so desire. There is no basic difference that would preclude consideration of Mr. Dobson's proposal.

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, it may make it easier if I say this: I went through these Rules of Procedure and, as Mr. Castleman says, I found very little difference between the two. I think perhaps there were two one-line Rules that were specific to the panels. I just worked this out. I am quite willing to discuss this matter under the proper item. I drafted this out:

"These Rules of Procedure"--that is, the Commission's Rules--"shall apply to each panel *mutatis mutandis*, and shall be read as if the word 'Commission' included necessarily the word 'panel', but each panel may adopt, in addition, any special rules for the conduct of its meetings and for the exercise of its functions and duties as it sees fit, provided that these special rules shall, after adoption by the panel, be approved by the Commission."

That is the sort of thing I had in mind. But I just wanted to warn you, because it might be, if I move this under 17, you may then find--well, it would be better if we discussed this among two or three of us before we come to the final decision.

THE CHAIRMAN (DR. DEASON): Thank you very much, Mr. Dobson.

MR. DOBSON (UNITED KINGDOM): I only felt it might be helpful. I know in my own Whaling Commission there is a great relief when a document comes around that permits other documents to be destroyed, and I thought the fewer documents we had the better.

THE CHAIRMAN (DR. DEASON): May the Chair, as a matter of procedure, suggest that we deal with the matter in this way. We will consider the draft Rules of Procedure for the Commission, embodied in Document 2 at the session this morning, at a later point, and, having gone through the draft Rules of Procedure for the Commission, we could again take up this question. If the committee should, at that time, decide that a single document should apply to the

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Commission and the panels, we might then turn the Rules of Procedure over--after we have gone through them and perhaps adopted most of them, except those that will necessarily have to go to the committees and be acted on at a later point--we might throw the Rules of Procedure to a small drafting committee to consider them from the panel viewpoint, and perhaps they might wish to suggest minor modifications or to incorporate a general statement such as the Commissioner from the United Kingdom has suggested.

MR. DOBSON (UNITED KINGDOM): Thank you, Mr. Chairman, that would suit me. All I would like is that, before we finally approve it, I might have a short time with Mr. Castleman and show him what I have in mind, and I should then realize whether it is impossible or not. I don't want to press for a subcommittee if I could have a few words with him.

THE CHAIRMAN (DR. DEASON): Thank you, Mr. Dobson. Are there any other comments or observations concerning the agenda?

Might I mention again another procedural item which I don't think does violence to the agenda at all, but if we adopt the procedure I have just suggested, by dealing with the Rules of Procedure in Document 2 there will be no need for the appointment of ad hoc committees as provided in Item 14 of the agenda, but rather we would, after adoption of the Rules of Procedure, then constitute such standing committees as are provided for in the Rules of Procedure, and then there would be no necessity for ad hoc committees, save perhaps a Committee on Drafting if we find one necessary.

MR. KNOLLENBERG (UNITED STATES): I would like to have Mr. Castleman make a remark if he can.

THE CHAIRMAN (DR. DEASON): Mr. Castleman.

MR. CASTLEMAN (UNITED STATES): Mr. Chairman, in connection with the comments just made by the Chairman, the United States had intended, at the appropriate point in the agenda, to move a definitive adoption of an agenda for the first meeting of the Commission which would not preclude the possible rearrangement of the items on the agenda as far as their

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occurrence for consideration is concerned, so that the suggestion made by the Chair actually would be a rearrangement in the view of the United States, and might be treated in that manner.

THE CHAIRMAN (DR. DEASON): Thank you, Mr. Castleman. Will the United States then move the adoption of the agenda with that reservation?

MR. CASTLEMAN (UNITED STATES): We would move the adoption of the agenda with the understanding that the items on the agenda may be taken out of order in their consideration.

MR. KNOLLENBERG (UNITED STATES): I so move.

THE CHAIRMAN (DR. DEASON): Do I hear a second?

DR. BATES (CANADA): Second.

THE CHAIRMAN (DR. DEASON): It is seconded by Canada. The question is on the definitive adoption of the agenda, with the understanding that in consideration of the items, they may be taken up out of order as becomes necessary.

Will all those in favor signify by saying "aye"?

(Chorus of "ayes".)

Opposed?

(No response.)

The agenda is adopted.

May we now, then, turn to the Rules of Procedure. They are embodied in Document 2. Unless there is objection, the Chair proposes to request the Secretary General to read each Rule, concerning which there will be such discussion as may be deemed necessary, after which a motion for adoption of the rule or amendment, as the case may be, will be in order.

THE SECRETARY GENERAL (MR. WHEELER): I trust you all have Document 2 in front of you.

The heading on the first three rules is "Representation".
Rule 1

"(a) A Contracting Government to the International Convention for the Northwest Atlantic Fisheries, concluded at Washington on February 8, 1949, hereinafter referred to as the Convention, shall have the right to appoint not more than three Commissioners and one or more experts or advisers to assist its Commissioner or Commissioners at meetings of the International Commission for the Northwest Atlantic Fisheries, hereinafter referred to as the Commission."

Mr. Chairman, do you wish to take it item by item?

THE CHAIRMAN (DR. DEASON): No, I think you might finish
Rule 1.

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THE SECRETARY GENERAL (MR. WHEELER):

"(b) Each Government shall notify the Executive Secretary as soon as possible the name or names of its Commissioners on the Commission and of any change thereof."

THE CHAIRMAN (DR. DEASON): Is there any discussion of Rule 1 as just read?

Is it the pleasure of the Commissioners to vote on each rule as read, or do you wish to read them through first for general observation, and consider voting on them at a later juncture?

MR. DOBSON (UNITED KINGDOM): Read them first. We might find we have approved something, and want to go back to it.

THE SECRETARY GENERAL (MR. WHEELER):

"Rule 2

"A representative or representatives of any Advisory Committee established by any Contracting Government in accordance with Article V (1) of the Convention may, with the assent of the Contracting Government concerned, attend as observers all non-executive sessions at meetings of the Commission. Prior to each meeting the Commissioners shall inform the Executive Secretary of the names of such Advisory Committee members authorized to attend."

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, may I ask a question? I am sorry I am so ignorant. I am not familiar with the term "non-executive sessions". Could somebody tell me? I know what is meant by the term "plenary session".

THE CHAIRMAN (DR. DEASON): I believe the terms "plenary" and "non-executive" are one and the same.

MR. DOBSON (UNITED KINGDOM): Oh, I see.

THE SECRETARY GENERAL (MR. WHEELER):

"Rule 3

"Any Government not a party to the Convention and any international organization may be represented at meetings of the Commission by an observer or observers, if the Commission so decided from time to time."

The next three rules deal with "Voting".

"Rule 4

"Each Contracting Government shall have one vote which may be cast by any Commissioner from that Government. Observers, experts, and advisers may address plenary meetings of the Commission, but shall not be entitled to vote."

"Rule 5

"Decisions of the Commission shall be taken by a two-thirds majority of the votes of all the Contracting Governments. At meetings of the committees appointed by the Commission a simple majority of all members of such committees shall be decisive. Votes shall be taken by show of hands, by roll call in the English alphabetical order of the names of the countries, or by ballot, as in the opinion of the Chairman appears to be most suitable."

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, may I ask a question here? Supposing some of the Contracting Governments, or one of the Contracting Governments, is not present at a given meeting. How are you going to interpret a vote of two-thirds majority of the votes of all the Contracting Governments? Is not what is intended there that you want two-thirds of the votes of the representatives of the Contracting Governments present and voting?

I don't know whether I have raised a snag here, but it seems to me a little bit loose.

THE CHAIRMAN (DR. DEASON): Dr. Bates.

DR. BATES (CANADA): As I recall, Mr. Chairman, the phraseology here is somewhat the same as in the Whaling Commission, and I understood at the time the Rules of Procedure were determined there, the phrase "Contracting Governments" meant "Contracting Governments present at the meeting". I recall the legal adviser of the British Foreign Office giving us that advice at the time. That was the interpretation made in all United Nations bodies, that it was the Contracting Governments present at the time.

MR. CASTLEMAN (UNITED STATES): Mr. Chairman, it may be noted that the language under discussion is taken practically verbatim from the Convention.

DR. BATES (CANADA): The Whaling Commission?

MR. CASTLEMAN (UNITED STATES): No, the Northwest Atlantic. Article II (7) of the Northwest Atlantic Convention reads:

"Decisions of the Commission shall be taken by a two-thirds majority of the votes of all the Contracting Governments."

That is just an observation.

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THE CHAIRMAN (DR. DEASON): That would mean, then, that in determining the vote, even though some Contracting Governments might not be present, in determining whether a two-thirds majority had voted, the Contracting Governments not present or represented might be counted as absent, but would have to be taken into consideration in the determination of the two-thirds majority.

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, I ought to mention that I did not realize that we had gotten here by the terms of the Convention. One or two of my other observations, I found, were dealt with in the same way.

As regards Mr. Bates' point, I have here Rule 5 of the Whaling Commission, and it is the majority of those casting an affirmative or negative vote, you see. But I am content if we are bound by the Convention. I think it is easy enough to be wise after the event, but I think the Convention is drafted wrong, and I don't want to press this because we won't carry it any further, but it might conceivably cause confusion or difficulty. However, I am content, Mr. Chairman.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 6

"Between meetings of the Commission or in the case of an emergency, a vote of the Commissioners may be taken by mail, or other means of communication, in which case decisions also shall be taken by a two-thirds majority of the votes of all the Contracting Governments, each Contracting Government having one vote."

THE CHAIRMAN (DR. DEASON): May the Chair suggest that the reason for the insertion of a provision for voting by mail or other communication is this, that possibly a panel might be meeting and pass a recommendation which, before it became effective, would have to be approved by the full Commission. The matter might be of such urgency that the panel would not wish to wait until the next annual meeting of the Commission, and might suggest that the Commissioners be polled by mail in order to determine their views.

MR. GUSHUE (CANADA): Mr. Chairman, there is a consideration with respect to the two-thirds majority, and it is this, that in a case where a Government abstained from voting by their being present or absent, if it is a two-thirds majority of all the votes which may be cast by the Governments, any abstention is a vote against the motion, which I don't think is intended. The Government may be in the position where it wouldn't want to vote either for or against.

I think, if possible, it should be made clear that the two-thirds majority of the votes of all Contracting Governments is the two-thirds majority of the votes actually received or cast. Otherwise, it is an automatic vote against any proposition.

I was wondering if the use of the words "shall be entitled to one vote," instead of, "Each Contracting Government shall

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have one vote..." would help, or some similar words? I wonder what Mr. Dobson might think of that.

MR. DOBSON (UNITED KINGDOM): This is really the same point.

MR. GUSHUE (CANADA): It is.

MR. DOBSON (UNITED KINGDOM): Would the American experts say we are tied in any way by the Convention?

MR. KNOLLENBERG (UNITED STATES): I don't know. I would like to have Mr. Castleman comment on that.

MR. CASTLEMAN (UNITED STATES): No, I believe, Mr. Chairman, the United States' view is that this position is not taken from the Convention. It is an elaboration on the voting procedure described in the Convention, and the suggestion of the Canadian delegation would be such an elaboration and would be in conformity.

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, I support Mr. Gushue. I think we should put this beyond the possibility of being held up later, if we are not bound by the Convention.

THE CHAIRMAN (DR. DEASON): Will the Secretary read the rule with the suggested amendment?

THE TECHNICAL SECRETARY (MR. CHANEY): Perhaps Mr. Gushue could give us the language again.

MR. GUSHUE (CANADA): I just suggested that the word "have" in Rule 4 be stricken out and the words "be entitled to" substituted. There may be better words found, but that presents the idea, I think. It would then read: "Each Contracting Government shall be entitled to one vote..." and if they don't want to use it, they are not voting against the proposal.

MR. DOBSON (UNITED KINGDOM): That is in No. 4?

MR. GUSHUE (CANADA): Yes, "Each Contracting Government shall be entitled to one vote which may be cast by any Commissioner from that Government".

You may want to change 5 and 6, too. I think possibly you will. In 5, yes, I think you would want to say something like: "Decisions of the Commission shall be taken by a two-thirds majority of the votes cast by the Contracting Governments", instead of "all". Strike out "of all" and substitute "cast by the".

THE TECHNICAL SECRETARY (MR. CHANEY): So that the first sentence in Rule 5 will read: "Decisions of the Commission shall be taken by a two-thirds majority of the votes cast by the Contracting Governments."

MR. GUSHUE (CANADA): Yes. You need the same change in Rule 6.

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THE TECHNICAL SECRETARY (MR. CHANEY): Yes, the same one, "of the votes cast by the Contracting Governments".

MR. DOBSON (UNITED KINGDOM): Shall we use the same words, then, "each Contracting Government being entitled to one vote"?

MR. GUSHUE (CANADA): Yes.

THE TECHNICAL SECRETARY (MR. CHANEY): "Each Contracting Government shall be entitled to one vote."

The first part of Rule 5 has been read. I will read Rule 6 again with the suggested changes.

MR. KNOLLENBERG (UNITED STATES): Mr. Chairman, there seems to be some legal question here on the Convention. Could we have a moment to discuss that? I would like to have this adopted, Mr. Gushue, clearly, but we can't run counter to the Convention, and I think we can make a decision right here. Have any of the others a copy of the Convention before them? It might be worth while for all of us to refer to the Convention. It is Article II.

MR. CASTLEMAN (UNITED STATES): In making our comments previously, we thought we were restricting our conversation to Rule 5, which is an elaboration of the original voting requirement in the Convention and deals with a mail vote, but if we are referring back to Rule 4, then there is a question of whether or not Article II (7) of the Convention, which states, "Decisions of the Commission shall be taken by a two-thirds majority of the votes of all the Contracting Governments", might not inject some legal question into the discussion.

DR. BATES (CANADA): Mr. Gushue's suggestion here has reference only to the votes. He is clarifying a situation which occurs when someone doesn't vote; I should think he is still within the terms of that.

MR. CASTLEMAN (UNITED STATES): Yes. Mr. Chairman, our only question is the intent of the word "all" in (7) of Article II.

MR. GUSHUE (CANADA): Yes.

MR. CASTLEMAN (UNITED STATES): Could we have a moment to consider it?

DR. BATES (CANADA): It is the votes of all that have to be taken together.

MR. GUSHUE (CANADA): It is a matter of interpretation. I think you could interpret the Convention in either one of two ways, but we will leave you to yourselves to think about it.

MR. CASTLEMAN (UNITED STATES): We would appreciate a comment by Mr. Gushue on that point, Mr. Chairman.

THE CHAIRMAN: (DR. DEASON): Well, might we pass over, temporarily, Rules 4, 5, and 6, and let Mr. Gushue and any other legal lights present discuss the matter informally and then take it up at a later point? It does appear to be a point that is going to require a bit of study, and perhaps it would be better to allow them ample time to do it informally and come in with some change in firm language at another point.

Without objection, then, we will proceed to Rule 7.

THE TECHNICAL SECRETARY (MR. CHANEY): Rule 7 has already been taken up, Mr. Chairman, so shall I proceed to Rule 8?

THE CHAIRMAN (DR. DEASON): Rule 7 was only provisionally adopted. There may be some observations concerning it.

MR. KNOLLENBERG (UNITED STATES): Yes, that needs some revision, or, I had better say, amplification, and I would like Mr. Castleman to discuss the matter if we could have the floor for a moment.

THE CHAIRMAN (DR. DEASON): Yes, Mr. Castleman.

MR. CASTLEMAN (UNITED STATES): With respect to Rule 7, by way of clarification on the timing for the assumption of office by newly elected officers of the Commission, we shall wish at the appropriate time to propose an addition to the Rule, which would read as follows:

"With the exception of the first meeting of the Commission, the Chairman and Vice-Chairman shall assume office during the final session of the meeting at which they are elected."

MR. KNOLLENBERG (UNITED STATES): I wish you would dilate on why we think that is needed, Mr. Castleman.

MR. CASTLEMAN (UNITED STATES): That is merely, as mentioned before, a clarification as to the timing in connection with the assumption of office by the new officers, and would, in the view of the United States, make for an easier transition between the outgoing officers and the incoming officers. They could assume their office at the conclusion of a meeting, rather than during any interval period.

MR. KNOLLENBERG (UNITED STATES): I understand the reason it came up, Mr. Chairman, was that in connection with the Whaling Commission, there was some doubt as to just when the officers did take office. It seems to me that this is obviously what we want, but in order to avoid any such confusion it seemed well to make this addendum.

MR. GUSHUE (CANADA): I wonder, Mr. Chairman, if that could be read again. There was a distraction while Mr. Castleman was reading it.

THE CHAIRMAN (DR. DEASON): Will you read it again, Mr. Castleman, please.

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MR. CASTLEMAN (UNITED STATES): This would be in addition to the language in the draft rules, at the end of the present draft Rule 7:

"With the exception of the first meeting of the Commission, the Chairman and Vice-Chairman shall assume office during the final session of the meeting at which they are elected."

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, I hope we may be able to clear this up. I think it is a very important point which may give rise to discussion later. Mr. Knollenberg has referred to the Whaling Commission, and I gather there is some feeling on the part of some of the Commissioners that we haven't got it quite right, although I thought we had arranged it the best we could.

The difference between this Commission and the Whaling Commission, as I see it, is that the Whaling Commission have certain powers to do certain things, and they also depend, for those powers, upon the information on the previous season's catch. We are, therefore, practically bound, in the case of the Whaling Commission, to meet in the month of July. Otherwise, if we make some alterations to the schedule which require 60 days' notice, we can't bring them into operation in time for the next season.

So we are bound to meet in July. We can't meet earlier, because we shouldn't have the figures. So it is a rather more simple matter there.

The point I put, which I think our friend has tried to meet here, is that here the duration of office is two years, but there is no indication as to anything more than is in the Convention, which says we shall have an annual meeting. But it may not be the same time every year. Therefore, you may find, of course, that the officers have not in fact completed their two years. I don't know quite how we are going to get out of it, but I am very glad this point has been raised because we don't want to have any bother in the future, because it is quite a moot point. It is easier for the Whaling Commission than it is here.

MR. KNOLLENBERG (UNITED STATES): There again we are bound by the Convention, are we not, Mr. Chairman?

MR. DOBSON (UNITED KINGDOM): But the Convention doesn't say what month we are going to have the annual meeting.

THE CHAIRMAN (DR. DEASON): The Convention, as I recall, requires an annual meeting.

May we turn to Article II of the Convention, paragraphs 3 and 5, which are pertinent to this point? I will ask the Technical Secretary to read those paragraphs of Article II.

THE TECHNICAL SECRETARY (MR. CHANEY): Paragraph 3 reads as follows:

"The Commission shall elect from its members a Chairman and a Vice-Chairman, each of whom shall serve for a term of

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two years and shall be eligible for re-election but not to a succeeding term."

I will skip the next sentence, and go to Paragraph 5:

"The Commission shall hold a regular annual meeting at its seat or at such place in North America as may be agreed upon by the Commission."

THE CHAIRMAN (DR. DEASON): Mr. Knollenberg.

MR. KNOLLENBERG (UNITED STATES): It seems to me Mr. Dobson has a valid point there. I hadn't thought it through, but we might set a time, to take a practical example, for our meeting two years hence in April, and that might be the best time for all of us, or May, I'll put it, or March, instead of April, and if that were the case then the two-year term would not coincide with the end of our meeting. There is an impasse that I don't see the way through at the moment.

THE CHAIRMAN (DR. DEASON): Well, it is my personal opinion that the date of this meeting (the particular month in which this initial meeting is held) is in no way to be considered a precedent for the time of the future required annual meetings of the Commission. That may be an inconvenient time. It might be possible to meet in the spring of one year, and we might want to meet in the fall of the succeeding year, but we would still be within the scope of the Convention which merely specifies that it shall have an annual meeting, which could be interpreted to mean, I believe, that there shall be a meeting in each calendar year, sometime in each calendar year.

MR. KNOLLENBERG (UNITED STATES): But to go back to the point that we were striving to achieve, we thought it would be an easier matter if the papers were turned over and the whole function of the Chair were turned over in the course of a meeting. Now, that seems impossible. Again there seems to be, perhaps, a defect in the Convention or at least a provision in the Convention that makes it impossible for us to carry out what would seem to be the most practical way of handling this.

I suppose we have to abide by the Convention. Mr. Gushue is a lawyer. Maybe he can help us.

MR. GUSHUE (CANADA): Unless you meet on the same day of each year, Mr. Chairman, that is, the annual meeting to elect your Chairman and Vice-Chairman, because it is a two-year term.

THE CHAIRMAN (DR. DEASON): It is a two-year term.

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, may I put it this way? Following up Mr. Knollenberg's remarks, that we are meeting here in April, but we might not have the next annual meeting -- that is for the Commission to decide -- until fall of 1952, that would be nearly 18 months. The present Chairman would still be in operation. The following meeting might not be held at the same time. It might be held

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in October or November of 1953. The Chairman and the Vice-Chairman would then have been in operation for two and a half years.

I take it Mr. Gushue would agree with me, that there is nothing in the Convention that would prevent us from fixing a regular annual meeting as long as we have an annual meeting. That might be inconvenient, because I think this Commission would probably wish not to deliberately collide with other bodies, like our friends the ICES, who have certain fixed meetings. They have a meeting always in the first week in May. That is why I was so personally pleased we didn't have a meeting that prevented my attending that, as I am on the

Bureau; and the annual meeting is always held the first fortnight of October. I don't know how we are going to get out of this difficulty.

DR. BATES (CANADA): Mr. Chairman, much as I regret to mention so mundane a thing, we will have a fiscal year which we have to budget for, and presumably the Commission will have to meet some time before the opening of that budgetary year. Now, apart from this first meeting, with the exception of this year, don't you think it might be possible, for future years, to fix a regular date, that date being fixed primarily for budgetary purposes? We might get around the whole problem that way.

MR. KNOLLENBERG (UNITED STATES): Yes.

THE CHAIRMAN (DR. DEASON): The Chair certainly agrees with Dr. Bates' observations on that point. Might we then, since this question of the term of office and the date on which the succeeding officers will assume office seems to be bound up with other questions which will have to be thrashed out later by the Committee on Finance and Administration or such a committee if we constitute one, throw this matter together with the other matters that that committee will be considering, and let them bring it up later and suggest some specific language that may be in line with the Convention, so as to meet the other problems that seem to be involved with it?

If there is no objection, perhaps, then, we may proceed to the next rule.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 8

"The duties of the Chairman shall be:

"(a) to declare the opening and closing of each meeting of the Commission;

"(b) to preside at all meetings of the Commission;

"(c) to decide all questions of order raised at meetings of the Commission, subject to the right of any Commissioners to request that any ruling by the Chairman shall be submitted to the Commission for decision by vote;

"(d) to call for votes and to announce the result of the vote to the Commission;

"(e) to determine after consultation with the Commissioners and the Executive Secretary the provisional order of business for the annual Commission Meeting so that the Executive Secretary may transmit it to all Contracting Governments and Commissioners not less than 60 days in advance of the meeting;

"(f) to constitute or appoint the members of committees in accordance with the provisions of Rule 18;

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"(g) to sign, on behalf of the Commission, a report of the proceedings of each annual or other meeting of the Commission, for transmission to Contracting Governments, Commissioners, and others concerned as an authoritative record of what transpired;

"(h) generally, to make such decisions and give such directions to the Executive Secretary as will ensure, especially in the interval between the meetings of the Commission, that the business of the Commission is carried out efficiently and in accordance with its decisions."

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, may I ask a question there for information?

THE CHAIRMAN: Mr. Dobson.

MR. DOBSON (UNITED KINGDOM): Item "(f)" is: "to constitute or appoint the members of committees in accordance with the provisions of Rule 18". That apparently gives the Chairman the complete right to appoint those committees. May I be quite clear what the committees are?

THE CHAIRMAN (DR. DEASON): The distinction there is that the word "constitute" has a different connotation than "or appoint". As Rule 18 is drafted, there is provision for the appointment of a committee, I believe, on administration and finance "consisting of Commissioners". That is, in accordance with the draft language, it does not state that there shall be a Commissioner for each Government on this committee.

Incidentally, this language, for which we hold no brief, was adapted from the Whaling Commission, where there is a small committee on Finance and Administration, I believe, of only three or four Commissioners, while there are sixteen governments who are parties to the Whaling Convention. Perhaps the problem is not the same here, but to come back to the point raised by the United Kingdom Commissioner, the language of "(f)" means that if a committee were to consist of a Commissioner for each country, the Chairman would constitute that Committee by polling the various delegations to determine if they desired representation. He would appoint a committee, if he were given the power, by designating specific Commissioners to serve on such a committee.

That is the distinction, the intent. There may, in the ultimate, be no necessity for such a provision. We may later find that we want all of the governments to have representation on all committees if they choose, and hence the word "constitute" would be sufficient.

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, I think I understand you, but I want to say that "Item (f)" I can't find in the Whaling Commission Regulation. And I was just wondering, therefore, when you turn to Rule 18, whether you haven't got everything there you want without "(f)" at all. That is the only point about it.

I am prepared to sit in any committee at your direction; I am quite happy about it. I am just wondering whether "(f)"

is really necessary. You see, when you turn to Rule 18, you have ad hoc committees, then, that there shall be a standing committee established or appointed by the Chairman, and a standing committee on Finance and Administration, and a Standing Committee on Statistics. I am just wondering whether that doesn't give you all the powers you want? But I am in the hands of the draftsmen. They have given great care to this.

THE CHAIRMAN (DR. DEASON): United States.

MR. CASTLEMAN (UNITED STATES): May I just say, that in drafting these Rules for the basis of discussion at this meeting, the drafters realized that there was a duplication in that respect, but felt that it might be well to have that appear in both Rule 8 and Rule 18, in that Rule 8 specifies the duties of the Chairman and Rule 18 specifies the nature of the committees. We realized that there was a duplication.

MR. DOBSON (UNITED KINGDOM): Yes.

MR. CASTLEMAN (UNITED STATES): But I wondered whether it might not be appropriate to have such duplication in this case.

MR. GUSHUE (CANADA): I take it, Mr. Chairman, that these duties could also be regarded in some cases as powers, couldn't they?

THE CHAIRMAN (DR. DEASON): That's right.

MR. GUSHUE (CANADA): And if that were so, in "(f)" the Chairman could exercise the power either to constitute or appoint as he felt necessary. I am not sure that was required or intended.

THE CHAIRMAN (DR. DEASON): Well, presumably when we deal with the establishment, at least of the standing committees, we shall in the language specify the nature of the membership. It is my personal opinion that in a small group such as this, and even when all ten countries are participating (ten is still a small group) possibly each country should have representation on each committee if it so desires. The Chairman, therefore, should, with reference to the standing committees, have no latitude in designating the specific members thereof.

MR. GUSHUE (CANADA): I think if that is the case, Mr. Chairman, I would be inclined to agree with Mr. Dobson in his observation.

MR. DOBSON (UNITED KINGDOM): I don't want to press this. In the drafting of it, our American friends have apparently looked at it very closely. But may I ask you not to stay too close to the language of the Whaling Commission, because there is an amendment due on that at the next meeting.

I am content to leave it as it is. There is an amount of duplication, but it is well to be on the safe side. If that is agreeable to the other Commissioners, it is all right with me.

THE CHAIRMAN (DR. DEASON): Are there any other observations on Rule 8?

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 9

"The Vice-Chairman of the Commission shall preside at

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meetings of the Commission, or between them, in the absence or in the case of the illness of the Chairman. He shall on those occasions exercise the powers and duties prescribed for the Chairman."

THE CHAIRMAN (DR. DEASON): Mr. Knollenberg.

MR. KNOLLENBERG (UNITED STATES): Mr. Chairman, what is conceived would be the situation in the event of your death or resignation? Would the Vice-Chairman do that, in that event? I mean, this seems to limit it only to certain possibilities.

THE CHAIRMAN: Well, I would assume in that case, the Vice-Chairman would serve the remainder of the term of the Chairman, until there was election of a new Chairman.

MR. GUSHUE (CANADA): We had somewhat the same point, Mr. Chairman. Of course, "absence" would cover death. We know he is absent.

MR. KNOLLENBERG (UNITED STATES): Or resignation, which is conceivable. If you specify anything - I think if you didn't have anything in, automatically the Vice-Chairman would step into the shoes of the Chairman, but since there are certain things specified, that tends to exclude others. That is technical.

MR. GUSHUE (CANADA): This is not done, Mr. Chairman, with any reflection on the health of the present Chairman.

THE CHAIRMAN (DR. DEASON): I understand. But I do agree that if the language isn't clear and doesn't cover all of the possible contingencies that might arise, we should put more words in here that would meet that point.

MR. KNOLLENBERG (UNITED STATES): Let's leave this to the drafting committee, too.

THE CHAIRMAN (DR. DEASON): Without objection, we will pass over this and let the appropriate committee consider it later on.

THE TECHNICAL SECRETARY (MR. CHANEY): The next rules relate to the Executive Secretary.

"Rule 10

"The Commission shall appoint an Executive Secretary and designate staff positions to be filled through appointments made by the Executive Secretary. The Commission shall fix the tenure, rate of remuneration, and traveling expenses for the Executive Secretary and members of his staff."

MR. GUSHUE (CANADA): Mr. Chairman.

THE CHAIRMAN (DR. DEASON): Mr. Gushue.

MR. GUSHUE (CANADA): Could we just go back to 8 and 9. I would like to bring up a point there. No. 9 refers to the

Vice-Chairman and says: "He shall on those occasions exercise the powers and duties prescribed for the Chairman." And No. 8 merely refers to the duties of the Chairman. Should that be "powers and duties"?

THE CHAIRMAN (DR. DEASON): I agree, in the interests of consistency, Rule 8 should read that way.

MR. GUSHUE (CANADA): And it does raise the point, then, for consideration as to whether you would wish the Vice-Chairman to exercise all of the powers of the Chairman in case of his death, and so forth.

THE CHAIRMAN (DR. DEASON): Of course, I think the Vice-Chairman should have all the duties and powers of the Chairman. If he succeeds to office or completes an unexpired term, or if, during any interim period, he acts in lieu of the Chairman with respect to any matter at all, I think he should have all the duties and powers of the Chairman.

DR. BATES (CANADA): It is only up to the time of the next annual meeting of the Commission.

THE CHAIRMAN (DR. DEASON): That's right.

DR. BATES (CANADA): That is, if the Chairman resigned, shall we say, shortly after the beginning of his term, you would not leave the Vice-Chairman for almost two years holding that, would you? It would only be until the first annual meeting.

THE CHAIRMAN (DR. DEASON): There is another point. Perhaps we might wish to deal with it specifically in the language of Rule 9, stating how long he shall hold office.

MR. KNOLLENBERG (UNITED STATES): I would like to have Mr. Castleman comment on it. It seems to be a very important point.

MR. CASTLEMAN (UNITED STATES): The United States, I believe, recognizes the defect in the language and recognizes the validity of the point made by the Canadian Commissioners, and suggests it would be an appropriate item for discussion by an appropriate committee.

THE CHAIRMAN (DR. DEASON): Thank you.

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, Mr. Gushue is suggesting that at the beginning of Rule 8 we should have "the powers and duties"?

THE CHAIRMAN (DR. DEASON): Yes.

MR. GUSHUE (CANADA): Yes.

MR. DOBSON (UNITED KINGDOM): If so, we can leave it until we come to "9" and look at it again. We will make it clear that in the absence of the Chairman, the Vice-Chairman acts until the next election. But I will accept Mr. Gushue's suggestion on "8". We will pick it up in "9" when we come to look at it again.

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THE TECHNICAL SECRETARY (MR. CHANEY): We have read Rule 10, and we went back for a discussion of 8 and 9. Is there discussion on Rule 10?

CAPTAIN AUDIGOU (FRANCE): On Rule 10, sir, I don't know whether it is the proper place and time to say what I have to say, but due to the fact that the Commission will be an international body, the staff, I understand, won't be only made up of American people, will it, or will there be room for representatives of any other countries, there, in the staff of the Secretariat?

THE CHAIRMAN (DR. DEASON): In answer to the question raised by the observer from France, it is my understanding that the Executive Secretary and any members of his staff might be nationals of any member country. The basic determination, I believe, would be the ability and competence of the individuals who are appointed to those positions, without regard to nationality. Certainly, I think that is the intent of the Convention, and certainly of the Rules of Procedure.

CAPTAIN AUDIGOU (FRANCE): Thank you very much, Mr. Chairman.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 11

"(a) The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over the staff. All communications to and from the Commission shall be addressed to, or emanate from, the Executive Secretary. He shall be responsible to the Commission for the management of its office, and for the receipt and disbursement pursuant to the financial regulations of all monies received by the Commission, pursuant to its direction. He shall make all necessary arrangements for Commission meetings, including secretarial assistance for all meetings of the Commission, and of its committees, and shall provide appropriate services to the Panels. He shall prepare and submit to the Chairman a draft of the Commission's budgets (Article XI of the Convention) for each year and perform such other functions as may be assigned to him by the Commission, the Commission Chairman, or the Chairmen of the Panels.

"(b) Communications to the Depositary Government, in pursuance of the provisions of Articles VI (2) and VIII of the Convention, shall be addressed to the Secretary of State of the United States of America.

"(c) The Executive Secretary shall receive the credentials of the Commissioners, and shall report thereon to the Commission from time to time."

THE CHAIRMAN (DR. DEASON): Mr. Knollenberg.

MR. KNOLLENBERG (UNITED STATES): Mr. Castleman wants to

make some remarks on Rule 11, or perhaps one remark.

THE CHAIRMAN (DR. DEASON): Mr. Castleman.

MR. CASTLEMAN (UNITED STATES): The United States would merely like to make the observation, at this point, that at the appropriate time, in connection with the reference in Rule 11 (a) to financial regulations, it suggests that that item, in conjunction with Rules 13, 14, and 15, might appropriately be referred to an appropriate committee when constituted, for consideration as to the desirability of their incorporation within the Rules of Procedure, or perhaps their

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deletion and incorporation in a separate set of financial regulations. In that connection, the United States has gotten together some model regulations which are contained in Document 10, which was distributed this morning, which might be considered by the committee if the Commission desires to refer this question to such a committee.

THE CHAIRMAN (DR. DEASON): Thank you, Mr. Castleman.

MR. GUSHUE (CANADA): There is an observation with regard to 11 (a) which may be unimportant, Mr. Chairman. It says: "All communications to and from the Commission shall be addressed to, or emanate from, the Executive Secretary."

Now, that may be completely impossible. Somebody other than a member government or a Commissioner may write the Chairman of the Commission, and I wonder if it is intended also that the Chairman can write only through the Executive Secretary.

THE CHAIRMAN (DR. DEASON): Mr. Castleman, do you recall whether there was anything --

MR. GUSHUE (CANADA): It is not a very important point.

THE CHAIRMAN (DR. DEASON): Do you recall whether there was anything in the Convention that prescribed it?

MR. DOBSON (UNITED KINGDOM): All formal communications.

MR. CASTLEMAN (UNITED STATES): Formal communications, yes.

MR. DOBSON (UNITED KINGDOM): Mr. Gushue, it seems to me that that might do it.

MR. GUSHUE (CANADA): My point is that it might be a communication from somebody other than a member, who might feel that he should write the Chairman, maybe some other government, some international body. It says here: "All communications to and from the Commission shall be addressed to, or emanate from, the Executive Secretary." What position would the Chairman be in, to return it and say it must be addressed to the Executive Secretary?

THE CHAIRMAN (DR. DEASON): I think you have raised a very important point there. Obviously, I think the Chairman and the Vice-Chairman and even the chairman of standing committees will be receiving communications on Commission business, and probably will wish to send out communications

Undoubtedly the point needs some clarification. Perhaps one intent is to have this apply to formal communications of Governments with regard to the functions, meetings, et cetera, of the Commission.

MR. GUSHUE (CANADA): Well, perhaps I should have said at

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the beginning, Mr. Chairman, except I wanted to worry Mr. Castleman a minute, these are rules binding only on the Commission, aren't they, only on the members? They wouldn't affect outside bodies.

THE CHAIRMAN (DR. DEASON): Well, may the Chair suggest perhaps we should consider that with a view towards clarifying just what types of communications are covered.

MR. DOBSON (UNITED KINGDOM): Well, to avoid great length, I still adhere to my word "formal" and then I think everybody would be satisfied.

MR. KNOLLENBERG (UNITED STATES): Mr. Chairman, I don't think that is quite true, because there may be formal communications from other governments, for example, that are addressed to the Chairman. So that "formal" wouldn't do the trick. I think you have to do a little more revising than that.

DR. BATES (CANADA): I think, Mr. Chairman, you might strike out that sentence and simply, within the Commission, have us understand that so far as possible we deal through the Executive Secretary unless it is a matter of some significance when we want to deal directly with you. Leave it to our good sense, if we have any.

THE CHAIRMAN (DR. DEASON): Thank you, Dr. Bates.

MR. GUSHUE (CANADA): The Executive Secretary might do something, conceivably, that a member would wish to protest, and the only person to whom he could properly protest it would be the Chairman.

THE CHAIRMAN (DR. DEASON): That is true. We do have a requirement in connection with the Convention to deal with types of communications as specified in Article VI (2) and Article VIII of the Convention, but that is the only place where there is any definite procedure set forth with regard to communications.

THE CHAIRMAN (DR. DEASON): Mr. Knollenberg.

MR. KNOLLENBERG (UNITED STATES): I would like to cut down the amount of things that we will have to review again later. It seems to me perfectly evident at this time that we should simply delete this sentence. I can't see that there can be any real discussion on that, that this had better go out, and in order to narrow the number of things we have to reconsider I would like to make a motion, if it suits my fellow Commissioners, that we delete this sentence.

THE CHAIRMAN (DR. DEASON): The Commissioner from the United States has moved that the second sentence of subparagraph (a) of Rule 11 be deleted.

DR. BATES (CANADA): I second it.

THE CHAIRMAN (DR. DEASON): Canada has seconded the motion. Is there any discussion?

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, may I say from my point of view in another capacity, from the Chairman's

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point of view of the Whaling Commission. I would never dream of sending out a letter, which I frequently do, without submitting it in draft to the Chairman.

THE CHAIRMAN (DR. DEASON) Thank you, Mr. Dobson.

There is a motion of the United States, seconded by Canada, for deletion of the second sentence of Rule 11 (a) All those in favor will signify by saying "aye."

(Chorus of "ayes.")

Contrary, no.

(no response.)

The motion is carried.

THE TECHNICAL SECRETARY (MR. CHANEY): The next subject is "Order of business."

"Rule 12

"No order of business which involves amendment of the Rules of Procedure, budget or related financial matters, Panel membership modifications under Article IV (2) of the Convention, boundary modifications under Article VI (2) of the Convention, or transmittal of proposals or recommendations under Article VIII of the Convention, shall be the subject of decisive action by the Commission unless the subject matter has been included in the provisional order of business which has been circulated to the Commissioners at least 60 days in advance of the meeting at which the matter is to be discussed."

MR. GUSHUE (CANADA): What does that mean, the words "subject of decisive action"? Does it mean it may be discussed but no decision can be reached?

THE CHAIRMAN (DR. DEASON) That is the intent, I believe, Mr. Gushue. We may use a parallel again in the Whaling Commission. Very often at one meeting an item will arise that was not on the agenda that was circulated in advance of the meeting, and be discussed at the meeting, and although we realize that it is a good matter and possibly agree that action should be taken, it does have to be put over to the next meeting for final action because, especially in items involving regulations or things of that sort, it is necessary for consultation prior to a vote. The 60 day notification of such items is to give an ample opportunity to the Commissioners to consult with their governments, their advisers, and others before they are called upon to vote on those matters at a meeting.

THE TECHNICAL SECRETARY (MR. CHANEY): The next section is "Financial."

"Rule 13"

"The fiscal year of the Commission shall be from _____
to _____."

Neither date is specified.

THE CHAIRMAN (DR. DEASON): The Chair believes that this Rule 13 is a matter that will have to be dealt with in matters of budget and finance, and its consideration ought to go to an appropriate committee when one is constituted.

MR. KNOLLENBERG (UNITED STATES): Mr. Castleman has a word to say on this, too.

MR. CASTLEMAN (UNITED STATES): I think it might be well, in connection with the reading of Rules 14, 15, and 16 -- or rather, Rule 13, 14, and 15, that the United States would wish to renew its observation that we would wish to suggest at

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an appropriate time that these rules be referred to an appropriate committee, in conjunction with Document 10 which was circulated this morning.

THE CHAIRMAN (DR. DEASON): Do I take it that that is offered as a motion?

MR. CASTLEMAN (UNITED STATES): Well, when we have our committees constituted, we would like to make that motion.

MR. KNOLLENBERG (UNITED STATES): It is only an observation, not a motion, Mr. Chairman.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 14

"Requests to Contracting Governments for financial contributions shall be accompanied by a copy of the budget resolution establishing the total assessments to members and the percentage scale under which members are assessed as well as the amount assessed against each member.

"Rule 15

"Financial contributions by Contracting Governments to the Commission, determined in accordance with Article XI of the Convention, shall be made payable to the Commission and shall be in the currency of the country in which the seat of the Commission is located, except that the Commission may accept payment in the currencies in which it may be anticipated that expenditures of the Commission will be made from time to time, up to an amount established each year by the Commission in connection with the preparation of annual budgets.

"Rule 16

"Seat of the Commission. For the time being the seat of the Commission shall be located in North America."

THE CHAIRMAN (DR. DEASON): It is, as you recall, a requirement of the Convention that the seat of the Commission be in North America.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 17

"The Commission shall hold a regular annual meeting at its seat or at such other place in North America as may be agreed upon by the Commission. Any other meeting of the Commission may be called by the Chairman at such time and place as he may determine, upon the request of the Commissioner of a Contracting Government and subject to the concurrence of the Commissioners of two other Contracting Governments, including the Commissioner of a Government in North America."

THE CHAIRMAN (DR. DEASON): Rule 17, I believe, flows pretty directly from requirements of the Convention as to the place of the annual meeting, the requirement that there be an annual meeting, and the privilege of holding meetings other than annual meetings at places outside of North America if the Commission so decides.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 18 -- Committees

"(a) The Commission may establish such Ad Hoc Committees as it considers to be required from time to time.

"(b) There shall be a Standing Committee on Finance and Administration appointed by the Chairman consisting of Commissioners who may be assisted by experts and advisers and which shall advise the Commission on matters relating to the Executive Secretary and his staff, on the budget of the Commission, on the time and place of meetings of the Commission, and on publications of the Commission. The Executive Secretary shall be an ex-officio member of this Committee without vote."

THE CHAIRMAN (DR. DEASON): Since we already have encountered some matters which would appear to come within the purview of such a Committee on Finance and Administration, the Chair ventures to suggest that it might be expedient at this point to either provisionally or definitively constitute such a committee, so that it may receive by reference certain of the matters we have already gone over in these Rules of Procedure and begin to work on them as soon as possible.

I think if we are to complete our business within the shortest possible time, such a committee should begin deliberations at the earliest possible time.

I would be pleased to have any observations concerning that requirement.

DR. BATES (CANADA): Mr. Chairman, we would agree with the view that the sooner these standing committees are appointed the better. In terms of the wording here, Mr. Gushue has raised a point as to whether the chairman of such a committee as the Committee on Finance and Administration, or any other, is to be determined by the Committee itself or is he to be appointed by the Chairman of the Commission? There is no reference to the technique of appointing the chairman here.

MR. KNOLLENBERG (UNITED STATES): Mr. Castleman has a thought on that.

MR. CASTLEMAN (UNITED STATES): I believe the intent in drafting that was that it was to be left to the discretion of the committee.

MR. KNOLLENBERG (UNITED STATES): That ought to be spelled out.

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THE CHAIRMAN (DR. DEASON): The Chair ventures to suggest or repeat a remark made earlier that since there are so few countries, perhaps the Chairman should not appoint this committee but it should consist of one Commissioner from each government -- if governments wish to be represented on the committee, where it would not make a large group even if eventually all ten countries became members.

Is it your pleasure to constitute such a standing committee on Finance and Administration on a provisional basis?

DR. BATES (CANADA): I should be willing to propose that motion, Mr. Chairman.

THE CHAIRMAN (DR. DEASON): Dr. Bates of Canada has proposed that a provisional committee on Finance and Administration be constituted. Do I hear a second?

MR. DOBSON (UNITED KINGDOM): Second the motion.

THE CHAIRMAN (DR. DEASON): The motion has been moved by Canada and seconded by the United Kingdom. All those in favor signify by saying "aye."

(Chorus of "ayes.")

Contrary-minded. (No response)

The Chair suggests that each government notify the Technical Secretary of its membership on this committee.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 18

"(c) There shall be a Standing Committee on Statistics, consisting of one Commissioner from each government who may be assisted by experts or advisers, which shall develop and recommend to the Commission such policies and procedures in the collection, compilation, analysis and dissemination of fishery statistics as may be necessary to insure that the Commission has available at all times complete, current, and uniform statistics on fishery activities in Convention waters. The Executive Secretary shall be an ex-officio member of this Committee without vote."

DR. BATES (C.M.A.D.): Mr. Chairman, I should like to make one comment on this section of Rule 18. To us it seems desirable and right in the beginning of the operations of that committee to take steps towards handling the fairly difficult scientific problems that confront us in the North-west area. We should have thought, therefore, that in standing committees one of the essential committees in the beginning would be a Committee on Research. We would think secondary to that that the Committee on Statistics would be really the same body in so far as the provision of statistics, their analysis, their interpretation and that would be part of the scientific work.

Accordingly, we would like to propose that there should be a Standing Committee on Research and Statistics.

The rest of the wording here can be changed a little. If you would like me to read the proposal in full, I should be glad to do so. If you prefer, I shall simply give it to the Chairman for his reading.

THE CHAIRMAN (DR. DEASON): The Chair suggests Dr. Bates read it and then we could have the Secretary reproduce it so that all members could look at it before they vote on the matter.

DR. BATES (C.M.A.D.): The first change, gentlemen, is on the first line where we would insert the words "Research and —." In other words, it would read, "There shall be a Standing Committee on Research and Statistics." There will be no change in the paragraph until we come to the last sentence. We would like to make an insert ahead of the sentence beginning "The Executive Secretary —." The insert should read as follows: "The Committee shall keep

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under continuous review the research programs in progress in the Convention area and shall develop and recommend to the Commission from time to time such changes in existing programs or such new programs as may be deemed desirable."

THE CHAIRMAN (DR. DELSON): The Secretary will, at the earliest opportunity, have the revised language suggested by Canada reproduced and handed around the table so we all may look at it.

DR. BATES (CANADA): In other words, Mr. Chairman, I think there are two questions of principle confronting the Commission -- first, whether there should be a Committee on Research, and second, whether if there is to be such a committee, the Committee on Statistics as recommended here should be part and parcel of the Research Committee. These are the two questions for later discussion.

THE CHAIRMAN (DR. DELSON): Does anyone else wish to speak or make any observations concerning the points that have been raised by Dr. Bates.

MR. DOBSON (UNITED KINGDOM): We support this warmly. I think it would possibly be necessary in the future to have a separate Research Committee, but I am sure it is the wise thing at the present moment to combine the two.

MR. KNOLLENBERG (UNITED STATES): May Mr. Castleman have a word.

MR. CASTLEMAN (UNITED STATES): May I again express the opinion of the United States that this is an item that perhaps is a defect in our original draft and we would support the Canadian modification of the draft language.

THE CHAIRMAN (DR. DELSON): Any further observations?

CAPTAIN AUDIGOU (FRANCE): Will this committee be provisional as the other one?

THE CHAIRMAN (DR. DELSON): If it be the pleasure of the Commission, we could constitute such a committee provisionally now and define its prescribed duties later. There is certainly a job for such a committee to undertake at this meeting.

In line with the observations of the French observer, the Chair would like to know whether the Commissioners would like to constitute this committee provisionally at this juncture so that it might undertake the work that we know it should be considering. There are certain questions, not with regard to the Rules of Procedure, but certainly with regard to the scientific work that is being done and should be done in the area, the statistical programs and procedures now in practice by various governments or what should be considered.

CAPTAIN AUDIGOU (FRANCE): I only made this point because we understand that our country will ratify this Convention pretty soon and that we will be a member. At least we hope so. That is the reason I put the question.

THE CHAIRMAN (DR. DELSON): Thank you very much.

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MR. DOBSON (UNITED KINGDOM): Surely we should appoint this at once provisionally and then it becomes automatically the Standing Committee when these rules have been finally approved. Am I right?

THE CHAIRMAN (DR. DELSON): That would be my interpretation, sir.

DR. BATES (CANADA): There is just perhaps one point, Mr. Dobson, worthy of mention. As the rule reads now, the Committee would be made up only of Commissioners from each country. Now, it may be that at this particular juncture we would wish to have included, for scientific guidance, experts from countries that have not ratified the Convention up to this point.

MR. DOBSON (UNITED KINGDOM): I would agree. Isn't that covered by the Convention? I am not quite sure.

THE CHAIRMAN (DR. DELSON): There is nothing on committees, but with respect to panels Commissioners who are not members of panels may participate in panel meetings as observers.

It would be the personal opinion of the Chair that the more brains we can have on the committees, the better, and if the observers desire to participate in the deliberations of the committee, they should be permitted to do so on observer status.

MR. DOBSON (UNITED KINGDOM): I think Dr. Bates' point is a good one. If we now formally decide to adopt this as a provisional committee, it only wants a supplementary resolution ad hoc to allow observers from non-ratifying countries to attend.

I would support Dr. Bates on that.

THE CHAIRMAN (DR. DELSON): It has been moved by Canada and seconded by the United Kingdom that we constitute a Provisional Committee on Research and Statistics consisting of a Commissioner from each country who may be accompanied by experts and advisers, and that members of observer delegations and I assume our eminent friend, the observer from F.O., might be permitted to attend the meetings of this Committee in an observer and advisory capacity. All those in favor of the resolution please signify by saying "aye."

(Chorus of "ayes.")

Contrary-minded, no. (No response)

The resolution is carried.

It is requested that the Commissioners and the observer delegations notify the Technical Secretary of their members and advisers and observers on the Committee on Research and Statistics.

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THE TECHNICAL SECRETARY (MR. CHANEY): Next we will take up the Rules on Panels.

"Rule 19

"The Contracting Governments shall establish and maintain a Panel for each of the sub-areas provided for by Article I of the Convention. Each Contracting Government participating in any Panel shall be represented on such Panel by its Commissioner or Commissioners, who may be assisted by experts or advisers."

MR. KNOLLENBERG (UNITED STATES): Somewhat the same kind of question that was raised earlier by Mr. Gushue here comes into play and that is "Each Contracting Government participating in any Panel shall be represented ---." I wonder if maybe we didn't mean "shall be entitled to representation." In other words, the Panel could still function even though one of the governments didn't happen to be represented. Maybe that is not intended, but I should suppose that the Panel could proceed even though representation was in fact not had by a particular government at a particular meeting.

MR. GUSHUE (CANADA): That question will come up on the point of voting.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 20

"After the Convention has been in force for two years, but not before that time, Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of the provisions of Article IV (2) of the Convention."

THE CHAIRMAN (DR. DOBSON): Rule 20 is just a restatement of the Convention on this point.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 21

"Each Panel may adopt, and amend as occasion may require, rules of procedure or by-laws for the conduct of its meetings and for the exercise of its functions and duties, provided that such rules of procedure, after adoption by the Panel, shall be approved by the Commission."

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, if we are going to give the Panel the power to make rules, couldn't they be generally governed by the rules before us. Perhaps it would be appropriate for me to raise that point when we meet to tidy this up.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 22

"English shall be the official and working language of the Commission but

Commissioners may speak in any other language, if desired, it being understood that Commissioners doing so will provide their own interpreters. All official publications and communications of the Commission shall be in English."

THE CHAIRMAN (DR. DEASON): The Chair wishes to observe that Rule 22 is very similar to the corresponding rule of the International Whaling Commission and also of the Indo-Pacific Fisheries Council. Since all of the Commissioners do speak English, it does facilitate the work of the Commission if all of its business is conducted in a single language.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 23

"Verbatim records of all meetings of the Commission shall be provided by the Executive Secretary and shall be circulated promptly to all Contracting Governments and Commissioners."

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, I think one of our troubles at the outset at least is going to be one of finance. I am just wondering what my fellow Commissioners would think about not making this an absolute requirement. I know verbatim reports are quite expensive. I wouldn't press this point, but I think we might consider whether we should tie ourselves down or whether we should give a discretion to the Chairman to allow a summary statement to be made.

DR. BATES (CANADA): I think there is merit, Mr. Chairman, in that suggestion, particularly with respect to the future meetings of the Commission. After we are established and have become a working body, it is not so much the details of the discussion as the summarization of the discussion that is important.

THE CHAIRMAN (DR. DEASON): It is true that if verbatim records of the meetings are required, the Executive Secretary will not have the staff to provide such a verbatim record. It will be necessary for the Executive Secretary to arrange for stenographic reporting services by contract or otherwise, which will possibly cost a sizable figure each year.

DR. BATES (CANADA): As I recall it, Mr. Chairman, the Salmon and Halibut Commissions depend simply on the use of the tape recording machine for their full meetings and they do have a relatively cheap record available if they have to go back to the details of any particular discussion. That is, they keep a summary record in print but they have, in their files, the tape recording, which is relatively cheap if you have the machine.

MR. KNOLLENBERG (UNITED STATES): Mr. Chairman, could we just change this and say "records, verbatim or summary, of all meetings" and clear it up right now? I suppose we would want some kind of summary record.

THE CHAIRMAN (DR. DEASON): May the Chair inquire whether the same objective will not be achieved by deleting the word "verbatim" and just saying "Records of all meetings ---" and it could be decided that the type of record we should have might be in accordance with whatever facilities might be at the disposal

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of the Commission to provide and maintain the records at the appropriate time.

MR. KNOLLENBERG (UNITED STATES): May I amend my motion to have it so read.

DR. BATES: Second the motion.

MR. DOBSON (UNITED KINGDOM): Take out "Verbatim?"

MR. KNOLLENBERG (UNITED STATES): Just strike out "Verbatim."

THE CHAIRMAN (DR. DEASON): It has been recommended that Rule 23 be amended by deleting the word "Verbatim" so that it merely reads "Records of all meetings of the Commission shall be provided ---" and so forth. All those in favor signify by saying "aye."

(Chorus of "ayes.")

Contrary-minded, no. (No response)

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 24

Summary minutes shall be provided by the Executive Secretary of the proceedings of all meetings of its Standing Committee."

MR. GUSHUE (CANADA): Be provided to whom, Mr. Chairman?

THE CHAIRMAN (DR. DEASON): I would assume, sir, to the Commissioners and to the members of the Committees.

MR. GUSHUE (CANADA): Contracting Governments?

MR. KNOLLENBERG (UNITED STATES): Shouldn't that just conform to Rule 23?

MR. GUSHUE (CANADA): That would be desirable.

MR. DOBSON (UNITED KINGDOM): " --- shall be circulated to all Contracting Governments and Commissioners by the Executive Secretary."

THE CHAIRMAN (DR. DEASON): I believe, Mr. Dobson, it was suggested that the language of Rule 24 parallel the language of Rule 23.

MR. DOBSON (UNITED KINGDOM): I think we had better have them together, yes. "Summary minutes shall be circulated to all Contracting Governments and Commissioners by the Executive Secretary."

MR. KNOLLENBERG (UNITED STATES): It seems that it might not be necessary to furnish these summary minutes under Rule 24 to the Contracting Governments. Really, all that is needed there is probably to the Commissioners. Mr. Castleman would like to say something on that.

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MR. CASTLEMAN (UNITED STATES): To elaborate on those remarks, the intent in Rule 24 was that on Committee proceedings, reports would be furnished to the Commission and then would be incorporated in the Commission report.

THE CHAIRMAN (DR. DEASON): It is true that the actions of the Committees or resolutions of the Committees are just recommendatory so far as the Committee is concerned, and recommendations of the Committee do not become operative until the Commission has approved them, whereupon they become Commission actions.

MR. CASTLEMAN (UNITED STATES): Mr. Chairman, we felt there was a distinction between the distribution of Committee reports and Panel reports. Panel reports, of course, would require wider circulation. But we felt that in the case of the Committees, the Committee report could be made to the Commission and then incorporated in the reports circulated by the Commission on its proceedings.

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, there is a small point here with reference to the Whaling Commission. We have committees there and a summary report is prepared of each deliberation. It thereupon becomes a conference paper, even though it may not have been approved by the Commission. Therefore, at the end of the conference, when I circulate papers to Contracting Governments, I have to circulate all the numbered conference papers, including, of course, the verbatim reports and others. It becomes a conference paper and therefore if I sent it to a Contracting Government and they found three conference papers were missing they might ask what they were. Here, of course, we have a lot of panels and perhaps a different situation arises.

THE CHAIRMAN (DR. DEASON): Perhaps we need some clarification in drafting here. Can't we leave this and let it be polished up by the Drafting Committee? Without objection, we will refer this, with other procedural matters, to the Drafting Committee.

MR. KNOLLENBERG (UNITED STATES): Mr. Chairman, you have made reference to a Drafting Committee. It would appear from the preliminary consideration of the Rules of Procedure that a Drafting Committee will be required. We should like to move that an Ad Hoc Drafting Committee be appointed.

THE CHAIRMAN (DR. DEASON): It has been moved by the United States that an Ad Hoc Drafting Committee be appointed to deal with such items as the Rules of Procedure and other matters as may be necessary during these meetings. Do I hear a second to that motion?

DR. FRIDRIKSSON (ICELAND): Second.

THE CHAIRMAN (DR. DEASON): All those in favor signify by saying "aye."

(Chorus of "ayes.")

Contrary-minded, no. (No response)

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Each delegation will notify the Technical Secretary of its member on the Drafting Committee.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 25 .

"(a) The Commission shall publish annually, following its regular annual meeting, a report on its activities during the preceding year. Such report shall include a summary of its findings and of statistical, scientific and other information gathered pertaining to the fisheries of the Convention Area.

"(b) Commissioners should arrange, where feasible, for all reports on subjects of interest to the Commission which are published in their own countries to be sent to the Executive Secretary of the Commission for record purposes. English translations where available should be provided."

THE CHAIRMAN (DR. DELSON): The Chair would like to observe in connection with this rule that the United States Government, as part of its obligation to convene and to defray the cost of the first meeting of the Commission, intends, if the Commission so wills, that it will publish and distribute a printed report on the proceedings at this first meeting.

MR. GUSHUE (CANADA): That, Mr. Chairman, I take it, would not be verbatim records of the proceedings.

THE CHAIRMAN (DR. DELSON): It would not be, sir. I think it would be a summary report which this Commission would presumably, at its final session, review and approve, which would be transmitted to Governments in compliance with the obligation under the Convention to report concerning its activities to Governments.

MR. GUSHUE (CANADA): It will be submitted to the Commission before publication?

THE CHAIRMAN (DR. DELSON): Yes, sir.

MR. DOBSON (UNITED KINGDOM): I take it Rule 25, Mr. Chairman, would not apply to a report after this meeting because there has not been a preceding year. Therefore, in fact, you would not publish an annual report until after the next meeting of the Commission.

THE CHAIRMAN (DR. DEASON): That would be quite true, sir. I merely did observe, sir, that in compliance, however, with the spirit, let us say, of this rule, the United States Government is prepared to publish a report of this meeting and at a later point the United States Government will, if it is requested to print such a report, desire from each Contracting and Observer Government an estimate of the number of copies of this report it desires for official use, for libraries, institutions and for general distribution within its own country.

Are there any further observations on Rule 25?

DR. BATES (CANADA): Mr. Chairman, on behalf of myself and the other Commissioners -- and I think I speak for them on this -- we would be exceedingly grateful to the United States Government for taking that special action on this first meeting and should like to tender our thanks to you for this gracious action.

THE CHAIRMAN (DR. DEASON): Thank you very much.

MR. DOBSON (UNITED KINGDOM): We associate ourselves with that sentiment.

THE TECHNICAL SECRETARY (MR. CHANEY):

"Rule 26

"Publicity of Meetings: The non-executive meetings of the Commission shall ordinarily be public meetings unless otherwise determined by the Commission."

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, it just occurs to me here we have to be rather careful. Again, may I just refer back to the Whaling Commission. At a plenary session of the Whaling Commission, the Commission may decide to alter the schedule and the public and the press come in and they rush out with the statement that the season is going to be altered or it is altered, whereas it isn't altered at all. The decision of the Whaling Commission has to be promulgated to all Contracting Governments for a period of sixty days. The press and the public do not realize that and they put it out that an alteration has been made.

Now, that might not occur here. On the other hand, you are going to decide about regulations which, again, the press and public might think are going to be effective at once, whereas they have to go through still a more difficult procedure.

I just wanted to make those remarks.

THE CHAIRMAN (DR. DEASON): Mr. Dobson, in connection with this meeting, the United States Government did, on last Thursday, issue a press statement which was contained among the papers distributed to the delegations at the time they registered.

The Whaling Commission, I believe, has followed a similar procedure that prior to the opening of a meeting

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there is a brief press release and then there is no further publicity until the final session, at which time a formal press release is issued, with the approval of all of the Commissioners, giving a general resumé of what has transpired during the meetings.

MR. DOBSON (UNITED KINGDOM): That is not quite right, Mr. Chairman. We admitted the public to the first meeting and we did not issue any press release at the beginning. There might have been one issued in Norway by the Norwegians. But we did not issue a press release until the last meeting when it was approved by the Commission, and we only admitted the public to the first meeting.

DR. BATES (CANADA): I would like to make a comment along the lines raised by Mr. Dobson. Since the seat of this Commission is to be in North America, and since the press is apt to be rather vigorous and has a good deal more newsprint available than there is in Europe generally, this particular clause may create the presumption that there is a right to be present at these meetings. Now, I don't know whether the Commission would wish to create that presumption.

MR. KNOLLENBERG (UNITED STATES): Mr. Castleman would like to speak on that.

MR. CASTLEMAN (UNITED STATES): Mr. Chairman, again, in explanation of the intent of the draft language, the reason for the use of the term "non-executive" in this phrase was that most matters of substance such as Mr. Dobson referred to, would probably be handled by the Commission in executive session and the press would therefore not be permitted attendance at the meeting. For example, at this current meeting only yesterday's session was a non-executive session. Today the Commission is meeting in executive session with no press in attendance, and presumably you would continue in executive session until perhaps the final plenary meeting. In other words, the use of the term "non-executive" would not deprive the Commission the right to hold executive sessions and to restrict attendance at such meetings.

DR. BATES (CANADA): I think that is a satisfactory explanation. But I still think it is true that in the future of this Commission, it will meet rather as a business body. Yesterday we were being launched, so to speak, and an open meeting was required. But in the future we shall meet primarily on non-executive matters. In other words, I am wondering whether it is necessary to have this reference here at all or should we handle the press and public in the future as we see fit without more or less committing ourselves on paper to a number of public meetings.

THE CHAIRMAN (DR. DEASCH): The Chair would like to refer to Article V which, I believe, is in part responsible for this language. Article V. Paragraph 1 says "Each Contracting Government may set up an Advisory Committee composed of persons, including fishermen, vessel owners and others, well informed concerning the problems of the fisheries of the Northwest Atlantic Ocean. With the assent of the Contracting Government concerned, a representative or representatives of an Advisory Committee may attend as observers

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at all non-executive meetings of the Commission or any Panel in which their Government participates."

MR. GUSHUE (CANADA): That doesn't necessarily make them public meetings, though, Mr. Chairman. They are limited to the persons named or referred to.

THE CHAIRMAN (DR. DEASON): I would agree with your observation, Mr. Gushue. May the Chairman suggest that possibly an amendment of this language should be considered so that there is provision for having members of the Advisory Committee in at certain sessions of the Commission at its discretion.

MR. KNOLLENBERG (UNITED STATES): Mr. Castleman has a remark on this.

MR. CASTLEMAN (UNITED STATES): Mr. Chairman, in view of the reaction to the language at this meeting, it would appear that publication of Rules of Procedure for the Commission might give vent to such interpretations as have been expressed here. Therefore, the United States would observe that it might be desirable to refer this to perhaps the Drafting Committee for consideration of redrafting or perhaps a recommendation for elimination.

THE CHAIRMAN (DR. DEASON): That will be done.

MR. GUSHUE (CANADA): That you really want is merely an expression that such meetings of the Commission shall be made public as may be decided upon.

THE TECHNICAL SECRETARY (MR. CHAFFY):

"Rule 27

"These rules of procedure may be amended from time to time by a two-thirds majority of the votes of all the Contracting Governments, provided they are not inconsistent with provisions of the Convention."

MR. GUSHUE (CANADA): The same point there -- that it will be referred to the Committee.

THE CHAIRMAN (DR. DEASON): We have now completed a first reading of the Rules of Procedure. It is time we adjourned for lunch. The Chair would like to inquire as to whether the Commissioners desire to reconvene in executive session this afternoon for further consideration of the Rules of Procedure or whether we might now run through quickly and refer such rules as are necessary to the appropriate committee, either the Ad Hoc Committee on Finance and Administration or the Committee on Drafting, and let those committees meet this afternoon and go to work on them.

The Chair would like some observations on that point.

MR. KNOLLENBERG (UNITED STATES): Mr. Chairman, it would seem to me that if we convened this afternoon there would be just a waste of motion. The appropriate thing now is to get organized in these committees and have something to lay before the group.

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MR. GUSHUE (CANADA): I think we would agree with that, Mr. Chairman.

MR. DOBSON (UNITED KINGDOM): We would agree to that, too, Mr. Chairman. May I ask this question. Could the Drafting Committee have remitted to it -- it might save time ultimately -- the question as to whether we can incorporate the Rules of Procedure of Panels into this Rules of Procedure. I submit that that would save a lot of time if they so decided in principle. But they might not wish to do it unless it is formally referred to them.

THE CHAIRMAN (DR. DEASON): Without objection, the suggestion of the United Kingdom will be followed.

MR. GUSHUE (CANADA): There is one point, Mr. Chairman, as to the amendment suggested by Dr. Bates on Rule 18. Is that to go to the Drafting Committee or do you wish a discussion on it before that takes place?

THE CHAIRMAN (DR. DEASON): If it is your pleasure, sir.

MR. GUSHUE (CANADA): I think it would be the pleasure of the Commission whether that can be turned over to the Drafting Committee with the other suggestions or whether there be other discussion first.

THE CHAIRMAN (DR. DEASON): Mr. Gushue of Canada inquires as to whether the Commissioners wish to consider Rule 18 and the proposed Canadian amendment further at this juncture or whether it may be referred now to the Drafting Committee.

MR. GUSHUE (CANADA): It is not purely a matter of drafting, Mr. Chairman. It is a question of substance.

MR. DOBSON (UNITED KINGDOM): Mr. Chairman, I would accept this in principle and refer it to the Drafting Committee, but I think Dr. Bates is entitled to hear us say now that we approve it in principle. I would be prepared to, if that would be the case.

MR. KYOLLENBERG (UNITED STATES): We concur.

THE CHAIRMAN (DR. DEASON): May we now go through the rules and decide as to the referral to committees. Since there were only minor amendments on Rules 1, 2, 3, 4, 5, and 6, the Chair believes they might now be referred to the Drafting Committee. The referral would include the resolution of the question as to what constitutes the two-thirds majority.

Similarly, I believe that Rules 7, 8, and 9 should go to the Drafting Committee. Rules 10, 11 should go to the Committee on Finance and Administration, since they are concerned with administrative matters. Rule 12 should go to the drafting committee. Rules 13, 14, 15, and 16, without objection, should be referred to the Committee on Finance and Administration. Rule 17 goes likewise to the Committee on Finance and Administration. I believe the other rules from 18 through the remainder of the draft rules might well go to the Drafting Committee.

DR. BATES (CANADA): Might I ask, Mr. Chairman, if there is any possibility of having us appoint these committees now and name a time for them to meet?

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THE CHAIRMAN (DR. DEASON): I was hopeful, sir, that we might do so. If you wish, you may indicate privately your members to the Secretary or delegations can be polled at this time.

DR. BATES (CANADA): I would suggest polling.

THE CHAIRMAN (DR. DEASON): All right. We have two committees to constitute, one on Finance and Administration and one on Drafting. We will go around first for the Committee on Finance and Administration. The understanding is that there would be a Commissioner on that Committee who could be accompanied by experts and advisors as might be necessary.

DR. BATES (CANADA): Mr. MacKichan and myself.

REPRESENTATIVE OF DENMARK: Mr. Dinesen.

DR. FRIDRIKSSON (ICELAND): Myself.

MR. DOBSON (UNITED KINGDOM): I should like to serve on both committees. I hope they won't meet at the same time.

MR. KNOLLENBERG (UNITED STATES): It seems I had better sit on the Drafting Committee and on Finance and Administration Mr. Sargent along with you.

THE CHAIRMAN (DR. DEASON): If I may talk out of order on that, I believe on the Finance and Administration Committee I will have to have a State Department advisor on budget and Mr. Taylor also from the State Department.

Now, the Drafting Committee.

DR. BATES (CANADA): Could we fix a time for that one to meet?

THE CHAIRMAN (DR. DEASON): 2:30 this afternoon. That will be in Committee Room C, which is up near the Registration Desk. Since there is a duplication of membership, I take that to mean that the committees cannot meet simultaneously.

Now, the members of the Drafting Committee.

DR. BATES (CANADA): Mr. Gushue.

REPRESENTATIVE FROM DENMARK: Mr. Taning.

DR. FRIDRIKSSON (ICELAND): Myself.

MR. DOBSON (UNITED KINGDOM): I would propose to attend the Finance and Administration Committee at 2:30, but if I might, as I am only one person, I would wish to be allowed to go into the other committee only to raise this question of the overlapping of the two Rules of Procedure and I can do that at an appropriate time, if they would allow me to come in.

THE CHAIRMAN (DR. DEASON): We only have one problem which is presented by the fact that Iceland is represented only by one person who obviously cannot be in both places at the same time. However, if we do schedule them at the same time, they

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will be fairly adjacent rooms and it might be possible that by a little running back and forth and checking with our friend from Iceland, those committees could meet simultaneously, if he does not object to that procedure.

Without objection, the Drafting Committee will meet at 2:30 in Committee Room A.

We have scheduled for this evening at eight p.m. the first meeting of the informal biological seminar which will be held in this room.

At this time, the meeting is adjourned.

(Whereupon, at 12:50 o'clock p. m. the meeting was adjourned.)

- END -



FIRST MEETING - WASHINGTON, D. C. - APRIL 2, 1951

RESTRICTED
Corrigendum A
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CORRIGENDUM A

FIRST EXECUTIVE SESSION

April 3, 1951

The sentences of the following paragraphs should read as shown below (changes in text indicated by underscoring):

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(Paragraph 2, third sentence)

We realize that legal and procedural technicalities wholly apart from the Convention itself undoubtedly have delayed formal ratification by the five countries represented at this meeting by observer delegations.

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(Paragraph 2, second sentence)

I don't want to raise any niggling points.

(Paragraph 7, second sentence)

However, we felt that in the spirit of the language of the Convention, which states that the panels may develop their own Rules of Procedure, it would be preferable, for preliminary consideration, to have separate drafts of rules for the Commission and for the panels.

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(Paragraph 6, first sentence)

"These Rules of Procedure"--that is, the Commission's Rules--"shall apply to each panel mutatis, mutandis, and shall be read as if the word 'Commission' included where necessary the word 'panel', but each panel may adopt, in addition, any special rules for the conduct of its meetings and for the exercise of its functions and duties as it sees fit, provided that these special rules shall, after adoption by the panel, be approved by the Commission."

